UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**NO. 3:23-cr-00081**
	)	
JOSIAH ERNESTO GARCIA,	)	
	)	
Defendant.	)	

ORDER

A status conference was held on **January 29, 2024.** Defendant's motion to continue trial (Doc. No. 53) is **GRANTED.** The Defendant shall file an appropriate waiver of speedy trial rights by **February 9, 2024.**

Accordingly, the trial in this case is CONTINUED until **June 25, 2024,** at 9:00 a.m. The pretrial conference is rescheduled for **June 17, 2024,** at 2:00 p.m. All lawyers who will try the case shall attend the pretrial conference. A status conference is scheduled for **April 29, 2024,** at 10:30 a.m.

All pretrial motions shall be filed by **April 30, 2024.** Responses shall be filed by **May 14, 2024.** Any reply shall be filed by **May 21, 2024.** The deadline for expert witness disclosures is **April 30, 2024.**

The Government shall give notice to the Defendant of its intent to use at trial evidence under Federal Rule of Evidence 404(b)(2) sufficiently in advance of trial so as to afford Defendant the opportunity to file a motion in limine regarding the same, if necessary. Federal Rule of

1

Evidence 404 motions to admit or exclude shall be filed **April 30, 2024.** Responses shall be filed by **May 14, 2024.**   Any reply shall be filed by **May 21, 2024.**

<div align="center">Speedy Trial Act</div>

The Court concludes that the period of delay occasioned by the granting of the Motion is reasonable and is excludable under the Speedy Trial Act, 18 U.S.C. §§ 3161, <u>et seq</u>.   The Court specifically finds that the interests of justice served by granting the continuance outweigh the interests of the public and the Defendant in a speedy trial on the date previously scheduled. 18 U.S.C. § 3161(h)(7)(A),(B). The Defendant is likely to be prejudiced if he is not adequately prepared for trial despite due diligence, and the public interest will not be served if such prejudice ultimately requires this case to be retried.

The parties shall file the following by the close of business on **June 10, 2024.**

1. An agreed set of case specific jury instructions, with citations to supporting authorities.

2. Alternative versions of jury instructions on which there is not an agreement, with citations to supporting authorities.

3. An agreed verdict form or alternative versions where there is not agreement.

4. Motions in limine, with each motion presenting only one evidentiary issue; do not file one motion that raises multiple issues.

5. Witness List, with a short summary of the expected testimony.

6. Exhibit List, with exhibits to be numbered sequentially without exceptions.

7. Expert Reports.

8. One-two page Joint Statement of the Case.

Responses to motions in limine shall be filed by 4:00 p.m. on **June 13, 2024.**.   Parties shall email a Word/Wordperfect version of all proposed instructions and verdict forms that are filed to

<div align="center">2</div>

melissa_seay@tnmd.uscourts.gov.

The parties are forewarned that motions filed after the deadlines set forth herein may not be considered by the Court.
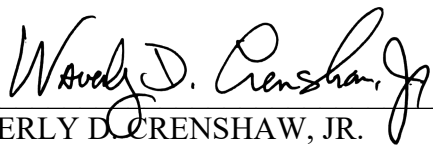
Counsel for the parties shall comply timely with the discovery and motion provisions of LCrR 12.01 and 16.01.

The Defendant shall attend all Court proceedings in this case. If the Defendant is in custody, the Government shall take all necessary actions to secure the timely presence of the Defendant at all Court proceedings. Counsel for the Defendant shall make sure that street clothes are available timely for the Defendant at trial.

CJA Fund Requests

In any request for CJA funds pursuant to 18 U.S.C. § 3006A(e), counsel shall indicate whether prior requests have been made, and if so, provide identifying information for those requests.

IT IS SO ORDERED.

_____
WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE

3